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PATENT APPLICATION
Docket No.: 10017364-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND
INTERFERENCES

In re application of:

Inventor(s): Curtis Gregory Kelsay
Serial No.: 10/053,989
Filed: January 19, 2002
Title: Optical Scanning Apparatus Having Self-Propelled Light
Bar Assembly
Art Unit: 2625
Examiner: Worku, Negussie
Confirmation No.: 5126

Mail Stop APPEAL BRIEF – PATENTS
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APPEAL BRIEF REPLACEMENT SECTION

SIR OR MADAM:

This communication contains a replacement section (Section 5) for the Appeal Brief filed on July 20, 2007. Specifically, a replacement Summary of Claimed Subject Matter for the Appeal Brief (Section 5) is provided herein below in response to the Notification of Non-Compliant Appeal Brief mailed on 08/21/2007. This replacement section is being filed under the provisions of MPEP 1205.03. There is no fee for this matter.

(Continued on next page.)

Replacement Section for previously submitted Section 5:

5. Summary of Claimed Subject Matter:

The summary corresponds to independent claims 1, 11, 16, 23, and 29, which
5 are the independent claims on appeal. Discussions about elements and recitations can
be found at least at the cited locations in the specification and drawings.

Claim 1:

With respect to claim 1, which is the first independent claim on appeal, an optical
10 scanning apparatus (100, 100A, 200, 300) includes a scanner body (102, 102A, 202,
302) and a self-propelled light bar assembly (110, 110A, 210, 310) supported within the
scanner body, wherein the light bar assembly is movable relative to the scanner body.
The term “self-propelled light bar assembly” means that the light bar assembly contains
the drive source (i.e., the motive source which drives the light bar assembly relative to
15 the scanner body). This is to be distinguished from the prior art scanner apparatus,
wherein the motive source for the light bar is not supported by, or contained within, the
light bar and it’s immediately supporting structure. (See specification at page 7, line 19,
through page 16, line 32, and Figures 1-11.)

Claim 11:

With respect to claim 11, which is the second independent claim on appeal, an
optical scanning apparatus (100, 100A, 200, 300) includes a scanner body (102, 102A,
202, 302) and a light bar assembly (110, 110A, 210, 310) supported within the scanner
body, the light bar assembly comprising a drive motor (142) and a light source (118),
25 the light bar assembly configured to move the drive motor and the light source together
relative to the scanner body. (See specification at page 7, line 19, through page 16, line
32, and Figures 1-11.)

Claim 16:

With respect to claim 16, which is the third independent claim on appeal, an
30 optical scanning apparatus (200) includes a scanner body (210), and a magnet-track
portion (254) of a linear electric motor fixedly supported within the scanner body. The
apparatus also includes a light bar assembly (210) that includes a slider portion (232) of

a linear electric motor. Additionally, the light bar assembly is supported in the scanner body to place the magnet-track portion in proximity to the slider portion to thereby allow the light bar assembly to be driven along the magnet-track portion by interaction of the magnet track portion with the slider portion. (See specification at page 13, line 25 through page 16, line 32, and Figures 7-8.)

Claim 23:

With respect to claim 23, which is the fourth independent claim on appeal, a method of moving a light bar assembly (110, 110A, 210, 310) within a scanner body (102, 102A, 202, 302) of an optical scanning apparatus (100, 100A, 200, 300) that includes providing a stationary track (154, 154A, 254, 354) is described. The method includes providing a motive source (142, 232) supported by the light bar assembly, and moving the light bar assembly along the stationary track using the motive source. (See specification at page 16, line 20 through page 17, line 17, and Figures 2-9.)

Claim 29:

With respect to claim 29, which is the fifth independent claim on appeal, a scanner (110, 110A, 210, 310) includes a light (118, 218, 318) configured to move linearly within the scanner, and a motor (142, 232) in fixed association with the light such that the light and the motor are moved together. (See specification at page 10, line 34 through page 16, line 4, and Figures 6-11.)

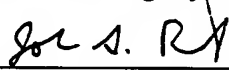
Summary

Please accept the above replacement "Summary of Claimed Subject Matter" for the Appeal Brief referenced herein above.

Dated this 2nd day of October, 2007.

Respectfully submitted,
Curtis Gregory Kelsay (Appellant)

by



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